

TIGARD MUNICIPAL CODE

Chapter 12.03 BILLING AND COLLECTION OF UTILITY CHARGES.

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12.03.010 Definitions.

- (a) Utility Charges.

Any combination of water service charges, sanitary sewer service charges, surface water charges or other fees and charges authorized by the Tigard City Council or the Clean Water Services imposed on users of utility services.

- (b) Delinquent.

Utility charges not paid by the due date specified on the bill for such charges are considered delinquent.

- (c) User.

User shall mean any person who uses property which maintains connection to, discharge to, or otherwise receives services from the City's storm, surface water, sanitary sewer or water systems. The occupant of occupied property is deemed the user. If the property is not occupied, the person who has the right to occupy it shall be deemed the user. (Ord. 02-29)

12.03.020 Rates, Charges, Fees, Penalties, Collections.

(a) Clean Water Services Resolution and Order number 95-34 and Ordinance Number 26,27,28, and 29 as amended are hereby adopted by reference and shall be in full force and effect as part of this municipal code.

(b) Collections from utility customers will be applied first to interest, penalties or other fees and charges, then proportionately among the rest of charges for services billed or as provided by contract with Clean Water Services.

(c) All Fees and Charges set forth in this chapter shall be set by resolution by the Tigard City Council. (Ord. 02-29)

12.03.030 Delinquent Collection Procedures.

(a) Billing Cycle - Utility charges will be billed to users every other month or as water meters are read. Utility bills will be placed in the United States Mail after the water meter is read or 60 days after the prior billing for non water customers. Such utility bills shall state the amounts and types of charges included in the bill and shall state the due date for the utility charges. Such due date shall not be less than 14 days from the date bills are mailed.

(b) Reminder Notice - For those utility charges not paid by the due date, a reminder notice will be sent to the customer. The Notice shall state the amounts and types of charges past due and the date by which such charges must be paid to avoid turn off procedures. The reminder notice shall be placed in the United States Mail not less than 14 days after the original due date on the original bill.

(c) Shut Off Notice - For those utility charges not paid by the due date stated on the

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reminder notice, a shut off notice shall be hung on the front door of the dwelling or place of business at least 48 hours prior to the scheduled actual shut off. The City shall maintain a list of all shut off notices indicating the time and location the notice was placed and by whom. The shut off notice shall state the amounts and types of charges past due and the date and time such charges must be paid to avoid actual shut off of services.

(d) Shut Off Procedure - All accounts determined to be unpaid 48 hours after a shut off notice has been placed on the premises shall be listed and scheduled for shut off. The 48 hours shall be counted on business days only and shall not include Holidays or weekends. On the day scheduled for shutoff, daily payments will be reviewed to determine if any applicable payments have been received. The list as amended will then be delivered to the appropriate crew members who will then shut off and lock those meters on the list.

(e) Water Disconnection Charge for Non-Payment - A charge will be added to each account that has not been paid prior to the time indicated on the shut off notice. The charge covers all costs associated with the delinquent collection process. The charge shall apply even if actual shut off is not performed due to the payment of the past due balance made to the crew member in the field or in the office just prior to shut off. Water service will be reconnected the same day as disconnection if the outstanding bill and related charges are paid in full by 5:00 PM. If payment is not made prior to 5:00 PM the customer's water will not be reconnected until the next regular business day. No water will be reconnected after normal operating hours or on weekends.

(f) Meter Disconnection Charge - A charge shall be added to each account in which a meter is turned off and locked for non payment if the customer or other party cuts the lock and turns the meter back on without prior approval of the City.

The meter will be removed from the ground and the water service capped off. Water service shall not be reconnected until the customer has paid the past due utility charges, water disconnection charge, and the meter disconnection charge.

(g) Multifamily Housing Collection Process - When accounts for multifamily housing complexes using master meters rather than individual meters becomes delinquent, the company or individual responsible for payment of the utility bills shall be notified of the past due status of the account in the normal process set forth in section 12.03.030. However, in lieu of the shut off procedure, the responsible party shall be notified in writing that the shutoff procedure will be followed if the delinquent utility charges are not paid within thirty days. Notification will also be made to all tenants known by the City to the extent possible. Accounts not paid within the thirty days will be notified and turned off in accordance with section 12.03.030 (c) and (d). (Ord. 02-29)

12.03.040 Delinquency Collection Procedures - Sewer Only Customers.

For utility charges on accounts without water service, delinquent amounts may be collected using the following collection methods in lieu of the shutoff procedure set forth in 12.03.020 (c), (d), (e):

(a) Delinquent utility charges may be collected through the use of a collection agent. The Finance Director or designee shall have the authority to select a collection agent and sign necessary documents.

(b) Delinquent utility charges may be collected by filing a claim in the appropriate court. The Finance Director shall have the authority to request pursuit of such claims by the City Attorney and shall have the authority to sign

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and file necessary documents.

(c) Delinquent utility charges may be collected by turning the uncollected balance over to the Washington County Tax Assessor for inclusion on tax bills as allowed by ORS 454.225. This method of collection shall only be used if the user of the services being billed is also the owner of the premises connected to the system. The owners approval must be received in writing allowing the turnover. Accounts being collected in this manner shall be charged a turnover fee and shall be turned over to the Assessor each year by July 15.

(d) Delinquent utility charges may also be collected by disconnecting utility services. Disconnection may involve the physical disconnection of incoming or outgoing utility service pipes and facilities. Disconnection shall only be pursued with the approval of the City Manager. Actual costs of disconnection shall be calculated and must be paid by the utility service user before reconnection is established. (Ord. 02-29)

12.03.050 Other Fees And Charges.

(a) Returned Check Charge - A charge will be added to accounts for any checks returned from the bank unpaid for any reason. The charge shall be set by resolution of the City Council.

(b) Repair or Replacement of Water Meters and Services - Once installed, any costs associated with the repair or replacement of damaged or missing meters and services will be charged to the owner of the property. Such costs may include but are not limited to gaskets, meter boxes, lid inserts, meters, pressure regulator valves, related labor, equipment, vehicles, and materials. (Ord. 02-29)

12.03.060 Utility Charge Adjustments And Payment Agreements.

Errors in billing or collection shall be corrected in a timely manner by the City. Resulting credits on accounts or refunds shall be made as expeditiously as possible. Disputed billings or other collection transactions shall be dealt with as follows:

In recognition of the need for exceptions in some cases, authority is granted as follows for adjustments to utility charges and to the implementation of payment agreements. All waivers granted under 12.03.060 (a) (b) shall be reported to the Intergovernmental Water Board each month upon their request.

(a) The Finance Director or designee shall have the authority to waive utility charges up to \$250.00. Such waiver may be made based upon a written request from the customer and for good cause. Good cause may include but is not limited to correction of user or account information, failure of the City to send a bill, demonstrated failure of a user to receive a bill, correction of measurement of either fixture units or equivalent service units and adjustments to the time in which requester became the user. Waivers may include returned check charges, disconnection charges or utility charges.

(b) The City Manager or designee shall have the authority to waive utility charges up to \$500.00. Such waiver must be made based upon a written request from the customer and for good cause as defined in subsection (a). The City Manager shall receive a written report of findings from staff and then weigh the evidence presented by the customer and the staff before making any such waiver.

(c) Any requests to waive utility charges above \$500.00 shall be made in writing to the Intergovernmental Water Board. The Finance Director or designee may schedule the request on the next available agenda and so notify the

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customer at least one week in advance. All materials related to the request shall be made available to the Board and the customer may be allowed to make a presentation to the Board at the discretion of the Board Chairman.

(d) The City may enter into a payment agreement with a customer to facilitate the payment of delinquent utility charges. Such agreements shall not exceed the term of three years, current charges must be paid when due, and the agreement must be signed by both parties and must be a legally binding agreement. Breach of such an agreement by the customer shall result in further collection efforts. Payment agreements for amounts over \$10,000 must be approved by the Tigard City Council. (Ord. 02-29)

12.03.070 Customer Appeal Process.

(a) Customers shall have the right to appeal billing decisions made by staff. If a customer is not satisfied with a decision, the customer may appeal to the Finance Director within fourteen days of the decision in writing explaining the issue and justification for the customers position. Finance Director decisions may be appealed to the City Manager within fourteen days of the decision in a similar fashion. City Manager decisions may be appealed within fourteen days of the decision to the Intergovernmental Water Board. Board decisions are considered final. (Ord. 02-29, Ord. 96-02). ■